

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO CASES IDENTIFIED
ON THE ATTACHED EXHIBIT A:

ORDER

(Dismissing the “Ethicon Defendants” with Prejudice
and Transferring Cases to MDL 2326)

Pending in each of the individual civil actions listed on Exhibit A (attached hereto) is a Motion to Dismiss With Prejudice, filed by the Ethicon defendants as identified in the motions (collectively referred to as the “Ethicon defendants”) pursuant to the procedures established by Pretrial Order # 302. *See* Pretrial Order (“PTO”) # 302, *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327 (“Ethicon MDL 2327”) [ECF No. 6020]. The plaintiff or plaintiffs in each case identified on Exhibit A did not file an objection, and the matter is ripe for consideration.

As stated in PTO # 302, the court established certain procedures to prompt dismissals of settled cases. Under these procedures, the court directed the Ethicon defendants to file a motion to dismiss in each individual case where a plaintiff has provided an executed, valid release, and the defendant has authorized disbursement to the plaintiff of the settlement amount to which the plaintiff’s counsel has agreed. Among other requirements, the court also mandated the Ethicon

defendants to file a declaration certifying the completion of certain procedures in conjunction with the motion to dismiss.

The Ethicon defendants complied with these directives and procedures, and the plaintiffs have not filed an opposition. It appearing to the court that the plaintiffs and the Ethicon defendants have jointly agreed to settle, and have settled their claims, the dismissal of the Ethicon defendants in each case identified on Exhibit A is appropriate. Additionally, the court notes that dismissing the Ethicon defendants from these cases should leave no active defendants from MDL 2327.

For any case on Exhibit A that was subject to the Pretrial Order (Docket Control Order) entered on January 30, 2018, as amended on June 13, 2018 (hereinafter collectively referred to as the “Omnibus PTO”) and is being transferred by this order to C. R. Bard, Inc. MDL 2187, American Medical Systems, Inc. MDL 2325, Boston Scientific Corporation MDL 2326 or Ethicon, Inc. MDL 2327, the court will no longer direct the Clerk to file in each individual case, the Omnibus PTO that corresponds to the MDL in which the case is being transferred.¹ All deadlines in the Omnibus PTO were the same across the MDLs cited above and all deadlines have since passed. Thus, the court finds it unnecessary to docket the corresponding Omnibus PTO for the MDL to which the case is being transferred. Any provisions of the Omnibus PTO continue to apply.

The court **ORDERS** that:

1. the Motion to Dismiss with Prejudice is **GRANTED**; and
2. the Ethicon defendants are **DISMISSED WITH PREJUDICE** from the actions listed on the attached Exhibit A;

¹ The Docket Control Orders entered in MDL 2187 – Wave 7, MDL 2325 – Wave 3, MDL 2326 – Wave 4 and MDL 2327 – Wave 8, on January 30, 2018 (as amended on June 13, 2018), set identical discovery dates, and pretrial motion dates. The Docket Control Orders were identical except for the necessary changes to make it applicable to each MDL.

3. if there are no remaining defendants in a civil action, then that civil action is dismissed with prejudice and stricken from the docket;
4. if other defendants remain in a civil action, then those actions are **TRANSFERRED** to MDL 2326; and,
5. the plaintiff is directed to file the proper Amended Short Form Complaint, if applicable, in the individual member case within **fourteen (14) days** of entry of this order.

The court **DIRECTS** the Clerk to:

- (1) dismiss the Ethicon defendants from the individual civil action(s) with prejudice;
- (2) if no other defendants remain in an individual action, then (a) strike the action from the docket, (b) deny any motions pending in the individual case at the time of dismissal and (c) close the case;
- (3) if there are remaining defendants in an individual action, then (a) transfer the case to the MDL 2326, and (b) if the case has a Wave flag set from the Omnibus Order, then change the Wave flag to the appropriate Wave flag;
- (4) file a copy of this Order in MDL 2327 and in each individual case on the attached Exhibit A; and
- (5) send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 12, 2019

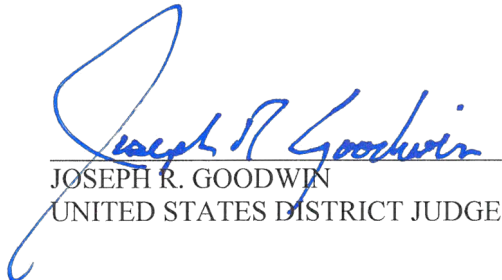

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

	Civil Action No.	Plaintiff(s) Name	ECF No.
1	2:12-cv-01969	Layne, Nancy & Nathan	28
2	2:12-cv-02944	Moore, Diana D. & Benny	28
3	2:12-cv-04738	Hester, Geraldine A.	19
4	2:12-cv-04901	Jones, Cindy & James	26
5	2:12-cv-07534	Deckman, Hilda	25
6	2:12-cv-09775	Flores, Rosa & Victor	28
7	2:13-cv-00879	Farrow, Deborah & Bryan	18
8	2:13-cv-03788	Callahan, Barbara & James	20
9	2:13-cv-06363	Garcia, Rita	21
10	2:13-cv-15207	Kasanezky, Cynthia M. & George J.	16
11	2:13-cv-15321	Grant-Wood, Pamela & Terry	16
12	2:13-cv-17227	Thompson, Dana & James	13
13	2:13-cv-18759	Pendarvis, Susan	20
14	2:13-cv-19843	Bernethy, Tamie	16
15	2:13-cv-25646	Cobbs, Christine S.	18
16	2:13-cv-25648	Conley, Cynthia L. & George	18
17	2:13-cv-26423	Giles, Diana Elaine & John Melvin	19
18	2:13-cv-26874	Simmons, Linda	12
19	2:13-cv-27302	Fries, Linda A.	18
20	2:13-cv-28804	Riggs, Rosa H. & Roy Eugene	17
21	2:13-cv-28806	Hilliard, Belinda Ross & James	17
22	2:13-cv-28812	Shuttle, Maryke T.	16
23	2:13-cv-31781	Garl, Diane & Robert S., Sr.	19
24	2:13-cv-32472	Galloway, Wanda & Louis	14
25	2:13-cv-32862	Blackwell, Anna	24
26	2:13-cv-33840	Williams, Cheryl & Harry Browning	15
27	2:14-cv-02992	Miller, Iva	14
28	2:14-cv-05130	Johnstad, Barbara	17
29	2:14-cv-05288	Sizemore, Nannie & James A.	14
30	2:14-cv-05593	Cummings, Connie & Jim Jafao	17
31	2:14-cv-06060	Brown, Jacqueline & Joseph, Sr.	14
32	2:14-cv-06542	Keenan, Linda	15
33	2:14-cv-07262	Thomas, Peggy	14
34	2:14-cv-07409	Gilles, Debra	14
35	2:14-cv-07410	Gilliam, Patty	14
36	2:14-cv-15393	Weller, Diane	15
37	2:14-cv-16681	Sanchez, Claudia G. & Ronald W.	15
38	2:14-cv-20024	Rhodes, Shirley J.	15
39	2:14-cv-20198	Breidenbach, Cheryl & Ronald	11
40	2:15-cv-04093	Neppl, Jody	13
41	2:15-cv-05172	Simpson, Meredith Ann & Charles Andrew	13
42	2:15-cv-06100	Walker, Joan S. & Paul	13
43	2:15-cv-06449	Griffin, Michelle Marie & Howard	13
44	2:15-cv-07566	Sutter, Laura	13

Exhibit A

	Civil Action No.	Plaintiff(s) Name	ECF No.
45	2:15-cv-09617	Alderman, Deborah & Robert	19
46	2:15-cv-09791	Norton, Emilie & Brian	10
47	2:15-cv-11237	Abraham, Kunjamma & Thomas	14
48	2:15-cv-11290	Gonyea, Ernice & James Michael	13
49	2:15-cv-12279	Weber, Olivia	11
50	2:15-cv-13107	Lane, Joan	9
51	2:15-cv-13252	Cain, Maria	12
52	2:15-cv-13453	Dominguez, Aurora & Eddie	11
53	2:15-cv-13996	Robinson, Anna L. & Kenneth J., IV	12
54	2:15-cv-15214	Griggs, Bennie Lou	13
55	2:16-cv-00007	White, Sheena & Rafael Seijo	11
56	2:16-cv-02580	Best, Jean	13
57	2:16-cv-02591	Smith, Mary Kathryn	12
58	2:16-cv-02750	Hale, Alta	12